

In Tribute of Professor Sheldon Halpern

KEN PORT*

I am honored to write an *In Memoriam* piece for Professor Sheldon Halpern. Shel was a mentor, a friend, a co-author, and an all-around fascinating human being.

I first met Shel at one conference or another around 1993 where we engaged in a lengthy and remarkable (as well as memorable) conversation regarding Japan. Although not a scholar of Japan or Japanese, he became fascinated by the fact that I was (or, more accurately, at that point in time, wanted to become) one. As Shel probed me on various particulars regarding Japanese law and I, as a young academic, struggled to coherently answer them, it became clear to me that it mattered not at all what our conversation was about. The fact was that Shel had found a topic of interest of which I presumably knew something, and he could learn from me. In the process of learning from me, he could become my friend.

I suspect that describes many of Shel's interactions with people throughout his life. Shel had a remarkably inquisitive mind and enjoyed probing, questioning unstated presumptions, and pushing back, all in the flavor of good fun and good spirit.

On that day when we first met, I became acquainted with Sheldon Halpern and continued to interact with him. I was a young academic teaching copyright law. Many times, Shel answered the phone and gave me feedback on how he would teach a specific doctrine in copyright law, or answered substantive questions, or told me to be honest with people: sometimes copyright law is a labyrinth. When he suggested that he write the copyright portion of a treatise on American law and that I write the trademark portion, I, of course, jumped at the chance.¹ Shel further established his passion for American copyright law when he wrote his own textbook on the subject.² Shel had just finished the third edition of this textbook when he became ill.

In 1995, I nominated Shel to become the dean of Marquette University Law School where I was teaching at that time. Shel then became a finalist and was appreciated by the committee. Although, in the end, he was not offered the position, after all these years, I still remember his visit, his job talk, and spending extra time with him as a candidate and as a friend. Shel was appreciated because of his honesty. He clearly spoke his mind and really impressed a lot of us. As usual, Shel demonstrated his inquisitive nature, his ability to probe without offending, and his impeccable drive to improve the profession of teaching law as well as lawyering. Most specifically, I remember

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¹ See SHELDON W. HALPERN, KENNETH L. PORT & SEAN B. SEYMORE, FUNDAMENTALS OF UNITED STATES INTELLECTUAL PROPERTY LAW: COPYRIGHT, PATENT, AND TRADEMARK (5th ed. 2015).

² See SHELDON W. HALPERN, COPYRIGHT LAW: PROTECTION OF ORIGINAL EXPRESSION (3d ed. 2016).

a tour of Milwaukee that I gave Shel along with another colleague by car. During the entire tour, Shel continued addressing substantive aspects of his candidacy. The tour became a far second to the conversation. It was natural for Shel to never “shut it off.”

My path crossed with Shel’s many times in the last twenty-five years. When we were not talking substance, and that was a hard thing to do, I learned that we had many things in common. For example, we have daughters who are the same age. Shel worked as a lawyer in Minnesota, where I am now teaching. I learned a lot from Shel. Maybe the most important thing is that he could be consumed with the profession of teaching copyright law and yet still be an approachable and likeable person.

Shel remained a consummate scholar of the law and the legal profession until the very end. I talked to him on the phone just a few weeks before he passed. I was just calling to see how he was doing; however, Shel wanted to talk about our treatise with Kluwer, and especially about what would happen with the ongoing project when he was gone, who would take it over, and what needed to be done.

I am very thankful that I got to know Shel. He never did “shut it off” and, for that, I am most grateful. He was my friend and colleague, and he will be missed.